

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN GROSSETETE,

Plaintiff,

v.

No. 15-cv-0592 MV/SMV

**FNU WILLIAMS,¹ J. LUCERO,
FNU GAUNA, FNU RODGERS,
and FNU DOES,**

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court sua sponte pursuant to 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3). On November 18, 2015, the Court issued a Memorandum Opinion and Order dismissing certain of Plaintiff's claims and ordering the Clerk of the Court to issue notice and waiver-of-service forms to Defendants Lucero, Gauna, and Rodgers at the Guadalupe County Correctional Facility ("GCCF"). [Doc. 6]. Additionally, the Court informed Plaintiff that he would be allowed "a reasonable amount of time to name the unidentified Defendants for service of process" and that "[f]ailure to identify the unnamed Defendants may result in dismissal of Plaintiff's claims against them." *Id.*

Defendants Gauna and Rodgers have failed to return the waiver-of-service forms. According to Defendant Lucero's Motion for Summary Judgment, which was filed on January 19, 2016, Defendants Gauna and Rodgers are no longer employed at GCCF. [Doc. 15] at 2. Furthermore, Plaintiff has failed to identify the unnamed Defendants for service of process. *See*

¹ Defendant Williams was dismissed from this action on November 18, 2015. [Doc. 6].

Roper v. Grayson, 81 F.3d 124, 126 (10th Cir. 1996) (“Courts have generally recognized the ability of a plaintiff to use unnamed defendants so long as the plaintiff provides an adequate description of some kind which is sufficient to identify the person involved so process eventually can be served.”). “[T]he onus [is] squarely on plaintiffs to track down the whereabouts of defendants to effectuate service—rather than obliging courts to assist in this endeavor—even when the plaintiffs are in prison.” *Washington v. Correia*, 546 F. App’x 786, 789 (10th Cir. 2013). Thus, Plaintiff will be required to provide a current address for serving process on Defendants Gauna, Rodgers, and the unnamed Defendants. Failure to comply with this Order may result in dismissal of Plaintiff’s claims against Gauna, Rodgers, and the unnamed Defendants without further notice.

IT IS THEREFORE ORDERED that, within 21 days from entry of this order, Plaintiff shall file a response providing a current address for serving process on Defendants Gauna, Rodgers, and the unnamed Defendants, or show cause why his claims against these Defendants should not be dismissed.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge